

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOHN J. NICHOLSON,

Plaintiff,

vs.

No. 1:19-cv-00446-KWR-KK

UNKNOWN HEIRS, DEVISEES, AND
LEGATEES OF ANGELO GULINO,
DECEASED, VINCENT GULINO, AND
CORRINE GULINO,

Defendants.

ORDER CONFIRMING SALE AND SPECIAL MASTER'S REPORT

The Special Master having filed a report with the Special Master's Deed attached, covering the performance of duties as Special Master, and the Court being otherwise advised in the premises, **FINDS** that the report of the Special Master and his Deed should be approved,

IT IS, THEREFORE, ORDERED that the Special Master's Report of Sale be and hereby is in all things **CONFIRMED** and **ALLOWED**, that the compensation of Special Master be and hereby is set at \$268.39, including tax, that the bid of John J. Nicholson as Trustee of the JN Trust dated December 15, 1993, in the amount of \$2,292,294.40, is **APPROVED** and the Sale is **CONFIRMED** as set forth in the Special Master's Report.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the following is the final in rem judgment amount due to Plaintiff John J. Nicholson as Trustee of the JN Trust dated December 15, 1993:

Plaintiff's Judgment	\$2,180,540.05
Interest to Date of Sale	\$106,458.66
Additional Fees & Costs	\$4,052.63
TOTAL JUDGMENT	\$2,291,076.34

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the sale proceeds of

the credit bid be disbursed as follows:

Sales Proceeds:	\$2,292,294.40
Disbursements	
To Plaintiff for Judgment	\$2,286,458.71
To Plaintiff for Addl. Fees and Costs	\$4,077.63
Recording Release of Lis Pendens	\$25.00
Additional Attorney Fees & Costs	\$4,052.63
Total Costs of Sale	\$1,218.06
Special Master's Fee	\$268.39
Publication Fee	\$924.67
Record Special Master's Deed and RNP	<u>\$25.00</u>
Total Disbursement	\$2,292,294.40

The total amount of proceeds to be disbursed to Plaintiff in satisfaction of said Judgment, after the costs of the Sale have been paid in the amount of \$1,218.06, is \$2,291,076.34. No deficiency is being sought.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Judgment is in the total amount of \$2,291,076.34; that Plaintiff's judgment is satisfied in the amount of \$2,291,076.34, thus leaving no deficiency.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Special Master execute and deliver to John J. Nicholson as Trustee of the JN Trust dated December 15, 1993 a deed in the form submitted with the Special Master's Report which is approved by this Court, conveying the title to the property located at 17 Caminito del Angel, Tesuque/ Santa Fe 87506, Santa Fe County, New Mexico 87574, and further described as:

A tract of land within Section Thirty (30), Township Eighteen (18) North, Range Ten (10) East, N.M.P.M Juan de Gabaldon

Grant, Santa Fe County, New Mexico, more particularly described as follows:

Beginning at the southeast corner of the tract, from whence a U.S.G.L.O. brass cap set for the 1 mile marker on the south boundary of the Juan de Gabaldon Grant bears:

South 00 degrees 17' 40" W., 528.57;

thence from said point and place of beginning along the following bearings and distances:

N 81 degrees 30' 14" W., 530.38 feet to the southwest corner;

N 39 degrees 58' 31" W., 377.11 feet to the northwesterly corner;

N 88 degrees 01' 04" E., 769.34 feet to the northeast corner to the point and place of beginning. Being and intended to be Tract Two (2), as show on plat entitled "Plat of Survey for Joe W. Green, a portion of the Juan de Gabaldon Grant within the Unsurveyed Parts of Section 19 and 30, T18N, R10E, Santa Fe County, New Mexico" by Joe D. Trujillo, dated April 20, 1978.

including any improvements, fixtures, and attachments, such as, but not limited to, mobile homes.

If there is a conflict between the legal description and the street address, the legal description shall control. Said conveyance being subject only to the equity of redemption, said redemption period being nine (9) months in the Defendant, as modified by the subject loan documents herein, and that the Special Master, upon delivery of the aforementioned Deed to the purchaser, be discharged without further order of the Court.

IT IS FURTHER THE ORDER OF THIS COURT that this Order shall be a Writ of Assistance directed to the Sheriff of Santa Fe County, New Mexico, commanding him/her to place John J. Nicholson as Trustee of the JN Trust dated December 15, 1993 in possession of the property described above and to remove and eject therefrom all and every person or persons holding or retaining the same or any part thereof against John J. Nicholson as Trustee of the JN Trust dated December 15, 1993, and that possession of the property be delivered to John J. Nicholson as

Trustee of the JN Trust dated December 15, 1993, immediately and forthwith and without delay and thereafter as is necessary to maintain, keep and defend and cause to be kept, maintained and defended the possession of the property in the possession of John J. Nicholson as Trustee of the JN Trust dated December 15, 1993, all in accordance with this Order and Writ.

IT IS FURTHER THE ORDER OF THIS COURT that if personal property remains on the real property after the occupants vacate, the personal property is deemed abandoned and John J. Nicholson as Trustee of the JN Trust dated December 15, 1993, may dispose of the property in any manner, pursuant to and in compliance with applicable law.

IT IS FURTHER THE ORDER OF THIS COURT that this matter shall be **ADMINISTRATIVELY CLOSED** at this time and **REMOVED** from the Court's pending docket. However, the Court **SHALL CONTINUE** to retain jurisdiction over this matter.

IT IS SO ORDERED.



KEA W. RIGGS
UNITED STATES DISTRICT JUDGE

APPROVED BY:

ROSE RAMIREZ & ASSOCIATES, P.C.

By /s/Elizabeth Dranttel e-signed
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